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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No.2455/2001

New Delhi, this the 12th day of September 2002

**HON'BLE SHRI M.P. SINGH, MEMBER (A)
HON'BLE SHRI SHANKER RAJU, MEMBER (J)**

1. Shri Chander Bhan Parshad.
S/o Shri Ganga Parshad,
R/o205, Mawai, New Vijay Nagar,
Ghaziabad (U.P.).
2. Shri Surender Bahadur.
S/o Shri pitamber,
R/o H.No.48, Shankarpuri,
New Vijay Nagar,
Ghaziabad.
3. Shri Ramesh Chand
S/o Shri Bengali Singh,
R/o L-26, Gali No.2,
Jai Prakash Nagar, Ghonda,
Shahdara, Delhi.
4. Shri Yadhbir Singh,
S/o Shri Bachan Singh,
R/o B-308, param Hans Vihar, A-Block,
Laxmi Garden, Loni,
Ghaziabad.
5. Shri Ved Prakash Gupta,
S/o Shri Madho Prasad Gupta,
R/o C-429, Kotla Mubarakpur,
Nanak Chand Basti,
Delhi.

.....Applicants

(By Advocate : Shri Lalit Anand)

VERSUS

The General Manager,
Northern Railway,
Baroda House,
New Delhi.
(By Advocate : Shri Rajeev Bansal)

....Respondents

ORDER (ORAL)

Shri Shanker Raju, Member (J):

The applicants, who were earlier engaged as casual labours in the Constructions Organisation of Railways, are, on exercising their option, to be absorbed against Group 'D' permanent posts in Delhi Division. The contention of the applicants is that as they are working in Class IV posts, they are entitled to be posted as Tech.III i.e. Group 'C' post. It is further stated on the basis of an order passed by the DRM's office dated 10.4.2002 whereby the Helper Khallasies have been posted as Tech. III in Group 'C' in the pay scale



of Rs.3050-4590, these persons were juniors and earlier working with them in the Construction Organisation, in this view of the matter, the respondent has violated Articles 14 and 16 of the Constitution of India.

2. On the other hand, the respondent has contended that the applicants as per their seniority position are not yet due to promotion to the skilled artisans grade i.e. Group 'C'. It is further stated that on exercising the option, the applicants can be posted to Group 'D' permanent posts. It is also stated by the respondents that the staff who were posted in EMU Car Shed, Ghaziabad, which is a separate unit, with whom the applicants are claiming parity for promotion to Group 'C' posts, were initially absorbed in EMU Car Shed against Group 'D' permanent posts as per terms and conditions of option Scheme and having a separate cadre and separate seniority. These Helper Khallasies having successfully passed the trade test, are posted as Tech. III Group 'C'.

3. We have heard rival contention of the parties and perused the material placed on record.

4. The claim of the applicants that some preferential treatment is meted out to the casual labourers who were working in EMU Car Shed as Helper Khallasies cannot be countenanced as these Helper Khallasies were already absorbed as permanent Group 'D' employees and after having declared qualified in the trade test they have been posted in Tech. III Group 'C' posts. The claim of the applicants can only be considered as per their seniority and subject to qualifying the trade test for the said post.

5. Having regard to the above, we find that no discrimination has been meted out by the respondents and the action of the respondent is not in violation of Articles 14 and 16 of the Constitution of India.

6. In the result, OA is bereft of merit and is accordingly dismissed. No costs.

S. Raju
(Shanker Raju)
Member (J)

M.P. Singh
(M.P. Singh)
Member (A)